Federal Decree-Law No. 35/2022Promulgating the Law of Evidence in Civil and Commercial Transactions

Abrogates

Federal Law No. 10/1992

We, Mohammed bin Zayed Al Nahyan, President of the United Arab Emirates,

After perusal of the Constitution;

Federal Law No. 1/1972 On the Competencies of Ministries and the Powers of Ministers, and its amendments;

Federal Law No. 10/1973 On the Federal Supreme Court, and its amendments;

Federal Law No. 8/1974 On the Regulation of Expertise Before the Courts;

Federal Law No. 6/1978 Concerning the Establishment of Federal Courts and the Transfer of the Jurisdictions of the Local Judicial Authorities in Certain Emirates Thereto, and its amendments;

The Civil Transactions Law promulgated by Federal Law No. 5/1985, and its amendments;

Federal Law No. 10/1992 Promulgating the Law of Evidence in Civil and Commercial Transactions, and its amendments;

Federal Law No. 28/2005 On Personal Status, and its amendments;

Federal Law No. 10/2019 On the Regulation of Judicial Relationships Among the Federal and Local Judicial Authorities;

Federal Decree-Law No. 31/2021 Promulgating the Crimes and Penalties Law;

And Federal Decree-Law No. 46/2021 On Electronic Transactions and Trust Services;

And based on the proposal of the Minister of Justice, and the approval of the Council of Ministers;

Have issued the following Decree-Law:

Article 1

The attached Law of Evidence in Civil and Commercial Transactions shall come into force.

Article 2

Federal Law No. 10/1992 Promulgating the Law of Evidence in Civil and Commercial Transactions shall be abrogated, as shall be abrogated any provision that contradicts or conflicts with the provisions of the attached Law.

Article 3

This Decree-Law shall be published in the Official Gazette, and it shall come into force as of 2 January 2023.

Issued by Us at the Presidential Palace - Abu Dhabi:

On: 7 Rabi' Al-Awwal 1444 H.

Corresponding to: 3 October 2022

Mohammed bin Zayed Al Nahyan

President of the United Arab Emirates

This Federal Decree-Law was published in the Official Gazette of the United Arab Emirates, Issue No. 737 of 2022, p. 79.

Title 1 - General Provisions

Article 1

1- It shall be incumbent upon the plaintiff to prove the right he claims, and upon the defendant to refute same.

2- The facts to be established shall be relevant and material to the case and they shall be admissible.

3- The judge may not rule based on his personal knowledge.

Article 2

1- The onus of proof shall rest on the plaintiff, and the oath shall rest on the defendant.

2- Evidence to disprove a right established originally shall be produced, and oath shall be taken to uphold the right established originally.

3- Evidence shall be binding on all, and admission shall constitute evidence against the admitter alone.

Article 3

Without prejudice to the provisions of this Law, if the evidence is contradicting and cannot be combined, the court may accept thereof whatever it finds more probable from the circumstances of the case. Where this is not possible, the court shall not accept any of the evidence. In any case, it shall indicate the reasons therefor in its ruling.

Article 4

The obligation shall not necessarily be established using a specific form, unless stipulated by a special provision or a written agreement between the litigants.

Article 5

1- If the litigants agree on specific rules of evidence, the court shall apply their agreement unless it violates public order.

2- The litigants' agreement shall not be taken into consideration unless it is in writing.

Article 6

1- The judgments and decisions issued in evidence procedures shall not require causation unless they include a final ruling.

2- In any case, the judgments and decisions issued in summary cases shall require causation by establishment of fact or by hearing of a witness.

Article 7

1- If the court or the supervising judge, as the case may be, decides or orders to initiate an evidence procedure, it shall set in the judgment or the decision the date of the first hearing for initiating the procedure, without the need for a new announcement if the procedure requires more than one hearing, except in the case of announcing the challenge for forgery to the absent litigant or tendering the conclusive oath thereto.

2- The procedures implemented shall be established - electronically or on paper - pursuant to the procedures set forth in the Civil Procedure Law.

3- A clerk shall attend the evidence procedures and he shall draw up the minutes electronically or on paper and sign them along with the judge without the need for the signature of the litigants and the concerned parties.

Article 8

1- The court may, sua sponte or at the request of one of the litigants, amend by a decision it records in the minutes of the hearing, whether electronically or on paper, the evidence

procedures it has ordered, provided that it indicates the grounds for the amendment in the minutes of the hearing.

2- The court shall have the right to disregard the outcome of the evidence procedure, provided that it indicates the grounds therefor in its judgment or decision.

Article 9

The admission, the questioning, the testimony and the taking, tendering, refusing and tendering back of oath shall be in writing for the mute and persons of similar status. If they cannot write, their usual gesture shall be accepted.

Article 10

1- Any evidence procedure implemented electronically shall have the binding force of judgments prescribed by this Law.

2- Where it is not possible to implement any evidence procedure through the means of remote communication technology for any reason, the implementation of the procedure shall be adjourned to a subsequent hearing, subject to the provisions of this Law in this regard.

Article 11

1- Evidence procedures shall consist of admission, questioning, testimony or oath before the court. Where this is not possible, the court may move or assign one of its judges to do so.

2- If the admitter, the questioned, the witness, the person to whom the oath is tendered or the like resides in the State but is outside the jurisdiction of the court and it is not possible to implement the evidence procedure electronically, the court shall delegate the court located at his place of residence, in which case the provisions on letters rogatory set forth in the relevant legislation in force shall apply.

3- If the admitter, the questioned, the witness, the person to whom the oath is tendered and the like resides outside the State and it is not possible to implement the evidence procedure electronically, the court may delegate the competent court in that State to initiate the required evidence procedure on its behalf pursuant to the judicial agreements concluded in this regard.

Article 12

Without prejudice to the obligations of the State under the international conventions in force therein, the court may accept the evidence procedures implemented outside the State, unless they are contrary to public order.

Article 13

1- In the event that the litigant fails to deposit the documents or implement the required evidence procedure, the court or the supervising judge, as the case may be, may decide to fine him not less than (1,000) one thousand dirhams and not more than (10,000) ten thousand dirhams, by a decision recorded in the minutes of the hearing. This decision shall have the executory force of judgments and may not be challenged in any manner.

2- The court or the supervising judge, as the case may be, may exempt the sentenced from all or part of the fine if he provides an acceptable excuse.

Title 2 - Evidence by Admission and Questioning of Litigants

Article 14

1- Admission shall refer to a declaration by a person of a right owed by him to another.

2- Admission shall be judicial if the litigant confesses before the court directly or through any means of remote communication technology to a legal fact alleged against him, in the course

of proceedings related to this fact, whether it is before the court examining the case or the supervising judge, as the case may be.

3- Admission shall be extrajudicial if it does not take place before the court, or if it concerns a dispute raised in another case.

Article 15

1- For an admission to be valid, the admitter shall have the capacity to dispose of the subject of his admission.

2- The admission of a discerning child who is authorised to purchase and sell shall be valid to the extent that he is authorised to do so.

3- The admission of the trustee, the guardian, the endowment administrator or the like shall be valid regarding what they have undertaken within the limits of their jurisdiction.

Article 16

1- Admission shall be explicit or implicit, oral or written.

2- Admission shall not be admissible if it is apparently false.

Article 17

Admission shall not be divisible to the detriment of the person making it, unless it pertains to several facts where the existence of one fact does not necessarily entail the existence of the others.

Article 18

Judicial admission shall constitute conclusive evidence against the admitter and shall be limited thereto, and his retraction thereof shall not be accepted.

Article 19

Extrajudicial admission shall be established in accordance with the provisions of this Law, including the inadmissibility of establishing it by testimony save in the cases where evidence by testimony is permissible.

Article 20

1- The court or the supervising judge, as the case may be, may sua sponte or at the request of one of the litigants, question the litigants who are present.

2- Any of the litigants may, with the approval of the court or the supervising judge, as the case may be, question his opponent who is present directly.

Article 21

1- The court or the supervising judge, as the case may be, may sua sponte or at the request of one of the litigants, order the litigant to appear for questioning. Whoever it decides to question shall be required to attend the scheduled hearing.

2- If the litigant has an acceptable excuse that prevents him from appearing in person for questioning, his statements may be heard through means of remote communication technology, and if that is not possible, the supervising judge may move to him to hear his statements. If the questioning is conducted before the court, it may delegate one of its judges to question him. The court or the supervising judge shall set the date and place for hearing his statements, and minutes shall be drawn up, signed by both the delegated or supervising judge and the clerk.

3- If the litigant fails to appear for questioning without an acceptable excuse or if he refuses to answer without a valid justification, the court shall draw its own conclusions, and it may accept testimonial evidence and presumptions in the cases where that is not admissible.

Article 22

1- If the litigant is incapacitated or lacks capacity, his legal representative may be questioned, and the court or the supervising judge, as the case may be, may question him if he is discerning in the matters in which he is authorised.

2- If the litigant is a legal person, their legal representative shall be questioned.

3- In any case, the legal representative referred to in this Article shall have the capacity to dispose of the disputed right.

Article 23

1- The court or the supervising judge, as the case may be, may direct questions to any of the litigants or whatever questions the other litigant requests to be directed. The questions shall be answered during the same hearing, unless it is necessary, as the court or the supervising judge deems fit, to schedule another date for answering them. 2- The litigant may object to a question directed to him, and he shall indicate his objection.

3- The court or the supervising judge, as the case may be, shall ban any question that is not relevant or material to the case or that is inadmissible.

4- The answer shall be given in front of the party that requested the questioning, but the questioning shall not be conditional upon the presence thereof.

5- The questions and answers shall be recorded in the minutes of the hearing and they shall be read out to the litigants who are present. The questioned shall correct whatever answers he deems necessary to correct, and the minutes shall be signed by both the judge and the clerk.

Title 3 - Evidence in Writing

Article 24

1- An official document shall refer to a document in which a public officer or a public servant records what he has done or what he has received from those concerned, in conformity with the legal conditions and within the limits of his authority and jurisdiction.

2- If the document does not fulfil the conditions referred to in Clause (1) of this Article, it shall have the binding force of an informal document, whenever the concerned have affixed their signatures, seals or fingerprints thereto.

Article 25

1- The official document shall be enforceable towards all third parties as regards matters therein recorded performed by its author within the limits of his duties, or signed by the concerned parties in his presence, unless it is legally established to be a forgery.

2- The content mentioned by any of the concerned parties in the official document shall have binding force over them, unless proven otherwise.

Article 26

1- If the original of the official document exists, its official copy shall constitute evidence to the extent that it is a true copy of the original.

2- A copy shall be deemed official if it is taken from the original, pursuant to the relevant procedures.

3- The official copy shall be deemed a true copy of the original, unless this is contested by any of the concerned parties, in which case the copy shall be checked against the original.

Article 27

If the original of the official document is not found, the official copy shall have the binding force of the original, whenever its external appearance does not allow for doubt as to its conformity with the original. Other copies shall be considered for merely indicative purposes.

Article 28

1- An informal document shall be considered to originate from the person signing it and shall constitute evidence against him, unless he explicitly denies the handwriting, signature, seal or fingerprint ascribed to him, or his successor denies that or denies knowing that the handwriting, signature, seal or fingerprint are those of the person from whom he has received the right.

2- Whoever has an informal document invoked against him and discusses it before the supervising judge or the court, as the case may be, may not subsequently deny its authenticity or maintain that he was unaware that it was issued by the person from whom he has received the right.

Article 29

Correspondence that is signed or that is proven to be ascribed to its sender shall have the binding force of an informal document in evidence, unless the sender proves that he did not send the letter or did not assign anyone to send it.

Article 30

1- Electronic or paper ledgers shall not constitute evidence against other than the traders. The data therein recorded as to the supplies made by the traders shall, however, serve as a basis that permits the court to tender the suppletory oath to either of the parties, as regards matters where testimonial evidence is admissible.

2- Orderly obligatory ledgers, whether electronic or paper, shall constitute evidence for the trader holding them against his trader opponent, if the dispute concerns a business matter. This binding force shall be forfeited by counter-evidence, and such evidence may be taken from the opponent’s orderly ledgers.

3- The obligatory ledgers, whether orderly or not, electronic or paper, shall constitute evidence against the trader holding them as regards the facts upon which his opponent, trader or otherwise, has based his claim. In this case, the entries that benefit the holder of the ledgers shall likewise constitute evidence in his favour.

4- If either of the trader litigants bases his claim on the ledgers of his opponent, whether electronic or paper, and agrees in advance to be bound by what is therein recorded, and the litigant refuses without justification to produce his ledgers or to allow access thereto, the court may tender the suppletory oath to the litigant who has based his claim on the ledgers in support of the veracity of his claim.

Article 31

Private books and papers, even if recorded electronically, shall not constitute evidence against whomever has issued them except in the following cases:

- 1- If he explicitly states therein that he has collected his debt.
- 2- If he explicitly states therein that he has intended for what is recorded therein to serve as a deed for whomever it establishes a right in their favour.

In both cases, if what is mentioned is not signed by the person who has issued it, he may prove the opposite by all means of proof.

Article 32

1- The creditor's annotation of a debt security, whether electronically or on paper, in his own handwriting but without signing it, to the effect that the debtor is discharged shall constitute evidence against him until he proves the contrary. Such annotation of the debt security shall

also constitute evidence against him even if it is not in his handwriting and it is not signed by him, as long as the debt security has never left his possession.

2- The provision of Clause (1) of this Article shall apply if the creditor records in his handwriting but without his signature that the debtor is discharged on another original copy of a deed or a receipt, and the copy or the receipt is in paper or electronic form and it is in the possession of the debtor.

3- Payment by electronic means shall constitute a discharge.

Article 33

1- The litigant may request the supervising judge or the court, as the case may be, to require his opponent to submit any electronic or paper document he has in his possession that is material to the case in the following cases:

- a- If the law permits requiring him to submit or deliver it.
- b- If the document is joint between him and his opponent. A document shall be considered as joint in particular if it is for the benefit of both litigants, or if it establishes their mutual obligations and rights or affects their legal status.
- c- If his opponent bases his claim thereupon in any stage of the proceedings.

2- The request referred to in Clause (1) of this Article shall not be accepted unless it satisfies the following elements:

- a- The descriptions of the document, and its content with as much detail as possible.
- b- The evidence and circumstances corroborating the litigant's possession thereof.
- c- The fact evidenced by the document, and the reason for requiring the litigant to submit it.

Article 34

1- If the litigant admits that the document is in his possession or remains silent, or if the person making the request proves the validity of his request, the court shall order that the document be submitted forthwith or on the date it specifies.

2- If the litigant refuses to submit the requested document after being granted a one-time grace period, the copy of the document submitted by the person making the request shall be considered an authentic true copy of the original. If he has not submitted a copy of the document, the court may accept the statement of the person making the request regarding the form and the content of the document.

3- If the litigant denies the existence of the document and the person making the request fails to provide the court with adequate proof of the validity of his request, he may request the court to tender the oath to his opponent that the document does not exist, that he has no knowledge of its existence or its location and that he has not hidden it or neglected to search for it to prevent the person making the request from using it as evidence. If the litigant refuses to take the oath and does not tender it back to the person making the request or if he tenders back the oath to the one making the request and he takes the oath, the copy of the document submitted by the person making the request shall be considered an authentic true copy of the original. If he has not submitted a copy of the document, the court may accept the statement of the person making the request regarding the form and content of the document.

Article 35

1- The litigant in commercial lawsuits may request his opponent to submit a document relevant to the case or may request to review such document, and the court shall order same pursuant to the following controls:

- a- The document shall be specified per se or by its type.

- b- The document shall be related to the commercial transaction subject of the case, or it shall be conducive to revealing the truth in it.
- c- Its review shall not violate any right to trade secret or any rights related thereto, unless the court deems otherwise by a grounded decision.

2- If the litigant refuses to submit the documents that the court ordered him to submit to his opponent in accordance with the provisions of Clause (1) of this Article, the court may consider his refusal to be a presumption of the validity of the claim of his opponent.

Article 36

The court or the supervising judge, as the case may be, may sua sponte or at the request of one of the litigants, and during the proceedings albeit before the court of appeal, decide the following:

- 1- To bring in a third party to require them to submit a document in their possession.
- 2- To request a document from a public authority or a copy thereof certified to be a true copy of the original if that is not possible for the litigant. The court or the supervising judge, as the case may be, may request the public authority to submit in writing or orally the information relevant to the case which it has in its possession, without prejudice to the provisions of the relevant legislation.

Article 37

1- The court may assess whether the material defects in the document forfeit or compromise its value as evidence. It may accept all or part of what is contained in this document.

2- If the court finds the authenticity of the document questionable, it may sua sponte ask the person who has issued it or summon its author to clarify the truth of the matter.

Article 38

If the litigant submits a document as evidence in the case, he may not withdraw it without the consent of his opponent except by a written authorisation from the court or the supervising judge, as the case may be, after keeping a copy thereof in the case file annotated by the case management office to the effect that it is a true copy of the original.

Article 39

1- A claim of forgery may be made as regards official and informal documents. Handwriting, seal, signature or fingerprint may, however, be denied only as regards informal documents.

2- It shall be incumbent upon the litigant claiming forgery to prove his claim. However, if a person denies issuing an informal document or his successor or representative denies that or denies knowledge thereof, the burden of proving that it was issued by him or his predecessor shall be incumbent upon his opponent.

3- If the litigant admits to the validity of the seal affixed to the informal document but denies affixing it thereto, he shall make a claim of forgery.

Article 40

If the person who has an informal document invoked against him denies his handwriting, signature, seal or fingerprint, or if his successor or representative denies that or denies knowledge thereof, and the other litigant continues to hold on to the document, and if the document is material to the dispute and the facts and documents of the case are not sufficient to satisfy the court as to the validity of the handwriting, signature, seal or fingerprint, the court shall order an investigation by comparison or by hearing the witnesses or both, pursuant to the rules and procedures set forth in this Law. The court shall hear testimony only in respect of the establishment of the writing, signature, seal or fingerprint on the document.

Article 41

1- The court or the supervising judge, as the case may be, shall schedule a date for the litigants to appear and present the documents in their possession for comparison and to agree on those valid for this purpose. If the litigant assigned with the burden of proof fails to appear without an acceptable excuse, the court may decide to forfeit his right to proof. If his opponent fails to appear, the court may consider the papers presented for comparison valid for this purpose.

2- The party challenging the authenticity of the document shall appear in person to provide a specimen of his handwriting at the scheduled date. If he refuses to appear without an acceptable excuse, or if he appears but refuses to provide a specimen of his handwriting, the court may rule the authenticity of the document.

Article 42

1- In the event that the litigants do not agree on the documents that are valid for comparison, only the following shall be accepted:

- a- The handwriting, signature, seal, or fingerprint affixed to formal documents.
- b- The part of the document under investigation whose authenticity is acknowledged by the litigant.
- c- The litigant's handwriting, signature or fingerprint which he affixes before the court.
- d- The handwriting, signature, seal or fingerprint affixed to ordinary documents that are proven to be ascribed to the litigant.

2- The handwriting, signature, seal or fingerprint that is denied shall be compared with the established handwriting, signature, seal or fingerprint of the person whom the document under investigation pertains to.

Article 43

1- If the whole document is ruled to be authentic, the person who has denied it shall be fined not less than (3,000) three thousand dirhams and not more than (10,000) ten thousand dirhams, without prejudice to the right of the concerned parties to claim compensation.

2- The fine shall not be multiplied by the number of successors or representatives, and no fine shall be imposed on the successor or the representative if his denial is limited to denying knowledge.

Article 44

1- A claim of forgery may be made at any stage of the proceedings. The claimant of forgery shall indicate all the grounds upon which the alleged forgery relies, its evidence and the investigation procedures to be followed for proving it. This shall be notified in a memorandum he submits to the court or deposits electronically or by recording it in the paper or electronic minutes of the hearing.

2- If the claim of forgery is material to the case and the facts and documents of the case are not sufficient to satisfy the court as to the authenticity or forgery of the document, and if the court deems that the investigation requested by the claimant of forgery is material and admissible, it shall order such investigation.

3- The order to investigate the claim of forgery by comparison or by hearing the witnesses or both shall be pursuant to the rules and procedures set forth under this Title.

Article 45

1- The claimant of forgery shall deliver to the case management office the allegedly forged document if it is in his possession or its copy that is communicated to him. If he refuses to

deliver the document or its copy, as the case may be, his right to claim forgery shall be forfeited, and such claim shall not be accepted from him hereafter.

2- If the document is in the possession of the litigant, the court may instruct him to deliver it forthwith to the case management office or it may order its seizure and deposit. If the litigant refuses to deliver the document and the court is unable to seize it, it shall be considered non-existent and this shall not preclude its seizure hereafter if possible.3- In any case, the presiding judge and the clerk shall sign the document prior to its deposit with the case management office.

Article 46

1- Whoever claims forgery of a document may waive his claim before the end of the investigation procedures, and no claim of forgery of the document shall be accepted from him after his waiver.

2- The claimant of forgery may terminate the investigation procedures regarding the forgery, at any stage thereof, by relinquishing the allegedly forged document. In this case, the court may order the seizure or filing of the document if the claimant of forgery so requests for a legitimate interest.

Article 47

The order to investigate a claim of forgery shall suspend the executory validity of the allegedly forged document, without prejudice to the precautionary measures.

Article 48

The court may reject or declare void any document even if no claim of forgery is made before it, if it finds out from the condition of the document or the circumstances of the case that the document is forged. In this case, it shall indicate in its ruling the circumstances and presumptions which it has drawn upon.

Article 49

1- If the claim of forgery of the document is dismissed or the right of proof of the claimant of forgery is forfeited, he shall be fined not less than (3,000) three thousand dirhams but not more than (10,000) ten thousand dirhams, without prejudice to the right of the concerned parties to claim compensation. 2- The claimant of forgery shall not be fined if he waives his claim before the end of the investigation procedures, unless it is proven to the court that he intended to deceive his opponent or to delay adjudication of the case.

3- A fine shall not be imposed on the claimant of forgery if some of his claims are proven.

4- If it is proven that the document is forged, the court shall refer it to the Public Prosecution, together with copies of the related minutes, to take the necessary measures.

Article 50

Whoever fears the invocation of a forged document against him may sue whomever has such document in his possession and whomever benefits therefrom, pursuant to the litigation procedures. In investigating the case, the court shall observe the rules and procedures set forth under this Title.

Article 51

1- In the cases that require evidence in writing, it shall be permissible to replace it by judicial admission, conclusive oath or written evidence corroborated by another means of proof, regarding what is not provided for in this Law.

2- Written evidence shall refer to any writing issued by the litigant that would make the existence of the alleged act a near possibility.

Article 52

Without prejudice to the obligations of the State under the international conventions in force therein, the court may accept as evidence a paper or electronic document issued outside the State and certified by the competent authorities in the State of issue and the competent authorities in the State, unless it is contrary to public order.

Title 4 - Electronic Evidence

Article 53

Subject to the other legislation in force in the State, shall be considered electronic evidence any evidence derived from any data or information that is created, stored, extracted, copied, sent, communicated or received by means of information technology, on any medium, and that is retrievable in a perceivable form.

Article 54

Electronic evidence shall be comprised of the following:

- 1- Electronic record.
- 2- Electronic document.
- 3- Electronic signature.
- 4- Electronic seal.
- 5- Electronic correspondence, including e-mail.
- 6- Modern means of communication.
- 7- Electronic media.
- 8- Any other electronic evidence.

Article 55

Electronic evidence shall be treated as evidence in writing as provided for in this Law.

Article 56

Official electronic evidence shall have the binding force assigned to an official document, if it fulfils the conditions set forth in Clause (1) of Article (24) of this Law, including what is issued automatically by the electronic systems of public authorities or public service authorities.

Article 57

Unofficial electronic evidence shall constitute evidence against the parties to the transaction in the following cases, unless otherwise proven:

- 1- If it was issued in accordance with the legislation in force in this regard.
- 2- If an electronic means stipulated in the contract subject of the dispute was used.
- 3- If an electronic means that is documented or that constitutes a commons was used.

Article 58

It shall be incumbent upon the litigant who claims invalidity of the electronic evidence provided for in Articles (56) and (57) of this Law to prove his claim.

Article 59

Notwithstanding the provision of Article (56) of this Law, electronic evidence shall have the binding force assigned to an informal document, in accordance with the provisions of this Law.

Article 60

The electronic evidence shall be presented in its original form or by any other electronic means, and the court may request the submission of its content in writing, whenever its nature so permits.

Article 61

If any of the litigants refuses without an acceptable excuse to submit what the court has requested to verify the electronic evidence, his right to hold on to it shall be forfeited or it shall constitute evidence against him, as the case may be.

Article 62

If it is not possible to verify the electronic evidence for a reason not attributed to the litigants, the court shall assess its binding force as apparent from the circumstances of the case.

Article 63

1- The extracts of electronic evidence shall have the binding force assigned to the evidence itself, to the extent that the extracts are identical to their electronic record.

2- The provision of Clause (1) of this Article shall apply to the extracts of electronic means of payment.

Article 64

The provisions of Title 3 of this Law shall apply to electronic evidence regarding what is not provided for under this Title, in a manner that does not conflict with its electronic nature.

Title 5 - Evidence by Testimony

Article 65

Testimonial evidence shall be admissible, unless there is a provision to the contrary.

Article 66

1- Any act whose value exceeds the amount of (50,000) fifty thousand dirhams or its equivalent or whose value is not specified shall be established in writing.

2- The testimony of witnesses shall not be accepted in establishing the existence or extinction of the acts provided for in Clause (1) of this Article, unless there is an agreement or a provision to the contrary.

3- The obligation shall be estimated by considering its value at the time of performing the act without adding any accessory amounts to the principal amount.

4- If the lawsuit includes multiple requests arising from a number of sources, evidence by testimony shall be admissible for each claim of a value not exceeding the amount of (50,000) fifty thousand dirhams or its equivalent, even if the total value of these claims exceeds that value or they arise from relations between the litigants themselves or from acts of the same nature.

5- The value of the original obligation shall constitute the determining factor in proving partial payment.

Article 67

Testimonial evidence shall not be admissible even if the value of the act does not exceed the amount of (50,000) fifty thousand dirhams or its equivalent, in the following cases:

- 1- Regarding whatever the law requires to be in writing to be valid or established.
- 2- If what is required is the remainder or part of a right which may only be established in writing.

- 3- Regarding whatever contradicts or exceeds what is contained in documentary evidence, whether in electronic or paper form.
- 4- If the claim of one of the litigants exceeds (50,000) fifty thousand dirhams and he subsequently modifies it to an amount not exceeding this value.

Article 68

Testimonial evidence shall be admissible as regards what should have been established in writing in the following cases:

- 1- If the written evidence is found electronically or on paper.
- 2- In case of a material or moral impediment that prevents access to documentary or paper evidence. Shall constitute material impediments the absence of someone who can write or the person requesting evidence being a third person who was not a party to the contract. Marriage and kinship and affinity up to the fourth degree shall constitute moral impediments.
- 3- If it is proven that the claimant has lost his deed, in electronic or paper form, for a reason not attributed to him.
- 4- If the documentary evidence is contested in that its content is prohibited by law or contrary to public order or morality.

Article 69

Testimony shall be with regard to what is witnessed, seen or heard. Hearsay testimony shall not be accepted except regarding what may often not be known without it, including:

- 1- Death.
- 2- Marriage.
- 3- Divorce.
- 4- Paternity.
- 5- Waqf and will.

Article 70

1- Whoever has not attained (15) fifteen years of age and whoever is not of sound mind shall not be eligible to testify.

2- The statements of those who have not attained (15) fifteen years of age may be heard for indicative purposes.

Article 71

1- Before giving his testimony, the witness shall first disclose any relationship he has with the parties to the case or any interest he has therein.

2- The testimony of one who is testifying to protect himself from harm or to bring benefit to himself shall not be accepted. The testimony of an ascendant for their descendant, the testimony of a descendant for their ascendant, the testimony of a spouse for their spouse, even after their separation, and the testimony of a guardian or trustee for the person under their guardianship or trusteeship shall not be accepted.

3- The testimony of staff, employees and public servants regarding the information which came to their knowledge in the course of their employment and whose disclosure was not authorised by the competent authority shall not be accepted even after the termination of their employment. Said authority may, however, authorise them to testify at the request of the court or one of the litigants.

Article 72

1- The litigant who requests testimonial evidence shall indicate the facts he wishes to establish, the number of witnesses and their names either in writing or viva voce at the hearing.

2- If the court or the supervising judge, as the case may be, authorises one of the litigants to establish a fact by testimonial evidence, the other litigant shall have the right to refute such fact in this manner.

3- The enacting terms of the judgement or the decision ordering testimonial evidence shall indicate each of the facts ordered to be established and the day of commencement of the investigation.

4- The court or the supervising judge, as the case may be, may, sua sponte or at the request of one of the litigants, summon whomever it deems necessary to hear their testimony to reveal the truth.

Article 73

Should the litigant fail to bring in his witness or to summon him to the scheduled hearing, his right to have the witness testify shall be forfeited. The court or the supervising judge, as the case may be, may order the witness to be brought in or summon the witness to another hearing, without prejudice to any penalty prescribed by the law for the delay caused.

Article 74

1- If the witness refuses to appear at the convocation of the litigant, the court or the supervising judge, as the case may be, the litigant or the case management office, as the case may be, shall summon him to testify at least twenty-four hours prior to the scheduled date of his hearing, excluding the time allowed on account of distance. In urgent cases, this time may be reduced.

2- If the witness has been duly summoned but he fails to appear, the court or the supervising judge, as the case may be, shall fine him not less than (1,000) one thousand dirhams and not more than (2,000) two thousand dirhams.

3- If the witness fails to appear after being fined, the court or the supervising judge, as the case may be, shall impose another fine not less than (2,000) two thousand dirhams and not exceeding (10,000) ten thousand dirhams. If he refuses to appear, the court may arrest him and bring him in.

4- The decisions referred to in this Article shall be recorded in the minutes of the hearing and may not be challenged. The court or the supervising judge, as the case may be, may, however, exempt the witness from the fine if he appears and presents an acceptable excuse.

Article 75

1- If the witness appears but refuses to take the oath or refuses to answer without a legal excuse, he shall be sentenced to the penalty prescribed in the Crimes and Penalties Law.

2- If the witness has an excuse preventing his appearance, and it is not possible to hear his testimony through means of remote communication, the delegated or supervising judge, as the case may be, may move to where he is to hear his statement.

3- If the investigation is conducted before the court, it may delegate one of its judges to hear the statement of the witness. The court or the delegated judge, as the case may be, shall specify the date and place for hearing his statement. Minutes shall be drawn up to that effect and they shall be signed by both the delegated judge and the clerk.

Article 76

1- Testimony shall be oral and it may be in writing with the permission of the court or the supervising judge, as the case may be.

2- The testimony shall be given in the presence of the litigants, and the testimony of each witness shall be heard privately without the other witnesses who have not been heard yet, except for a valid requirement. The defence witnesses shall be heard at the same hearing as the prosecution witnesses, unless in case of an impediment that prevents that. Should the investigation be adjourned to another hearing, the pronouncement of the adjournment shall in itself serve as a summons to the witnesses who are present to attend the following hearing, unless the court expressly exempts them from attending.

3- The court may forthwith hear the testimony of the witnesses that are present whom it deems necessary to hear, provided that it complies with the provisions of Clause (2) of this Article.

4- The witness shall take the following oath: “I swear by Almighty God to tell the truth and nothing but the truth”. The oath shall, upon his request, be according to the conditions prescribed by his religion or belief.

5- The non-appearance of the litigant against whom the testimony was offered shall not preclude the hearing of the testimony, and he may access to the minutes of the hearing of the witnesses.

Article 77

1- The court or the supervising judge, as the case may be, may hear the testimony of the witnesses through means of remote communication technology. Each witness shall give his testimony in private unless this is not possible, and the judge and the clerk shall sign the minutes.

2- In remote trials, if it is not possible to hear the testimony of the witnesses through means of remote communication technology for any reason whatsoever, the competent court or the supervising judge shall order the witness to appear in person. The issued order shall specify the location of the circuit before which he shall appear and the date of the hearing.

Article 78

1- The parties to the case or their agents may address questions directly to the witness, provided that the questions are relevant to the case and are conducive to revealing the truth. The witness shall first answer the questions of the litigant who asked him to testify and then the questions of the other litigant and the person who asked him to testify may repeat his question. Once the litigant finishes questioning the witness, he may not ask him new questions except with the authorisation of the court.

2- The litigant may question the witness to show his bias, his relationship or his friendship with one of the parties, or his credibility or his interest in the outcome of the case, and whether he has been convicted of a felony or a crime involving moral turpitude or dishonesty.

3- In any case, the witness may refuse to answer if the intent of the question is to obtain from him a confession to a crime he has perpetrated or to coerce him to testify against himself.

4- The court or the delegated judge and the supervising judge may - sua sponte or at the request of the litigant - ban questions to the witnesses if these questions are not relevant to the subject-matter of the case or are intended to procrastinate or if they are inadmissible because they violate the laws of the State or are contrary to public order or morality. In any case, they shall keep the witness from any sign or expression, explicit or implicit, that results in disturbing his thoughts, intimidating him or offending him.

5- The court or the delegated judge and the supervising judge, as the case may be, may directly address to the witness the questions they deem conducive to revealing the truth. Testimony shall be oral and it may only be assisted by written notes with the permission of the court, the delegated judge or the supervising judge and where the nature of the case so

warrants. Should the witness omit mentioning something that ought to be mentioned, the court, the delegated judge or the supervising judge shall ask him about it.

Article 79

In the event that the testimonies of the witnesses differ, the court shall accept the testimony to the extent that it is satisfied as to its validity.

Article 80

The testimony shall be recorded in minutes which shall include the data of the witness, his contact with the litigants, the text of his testimony and his answer to the questions directed to him, and it shall be read out to him. The witness shall sign the minutes and if he refuses to do so, his refusal and the reason thereof shall be indicated in the minutes.

Article 81

1- The litigant against whom the testimony was offered shall indicate to the court or the supervising judge, as the case may be, any defects in the testimony of the witness as to challenging him or his testimony, and the court shall assess the affect thereof on the testimony.

2- The court or the supervising judge, as the case may be, may assess the justice of the witness in terms of his behaviour, his conduct and the other circumstances of the case, without the need for recommendation. When necessary, it may make use of the means it deems appropriate to assess such justice.

Article 82

If the court or the supervising judge, as the case may be, finds in the course of the proceedings or when ruling on the merits of the case that the witness gave false testimony, it shall draw up a report to that effect and refer it to the Public Prosecution to take the necessary measures.

Article 83

1- Whoever fears to lose the opportunity of having a witness testify in a matter not yet brought before to the court but which may possibly be brought, may request in front of the concerned parties that this witness be heard. The request shall be submitted electronically or on paper in a summary case to the competent court, pursuant to the relevant procedures. Where necessary, the court shall hear the testimony of the witness whenever the fact is such that it may be established by the testimony of witnesses.

2- The court may hear defence witnesses at the request of the other litigant to the extent required by the urgency of the case.

3- Aside from the foregoing, the relevant rules and procedures shall be followed in such testimony. In this case, it shall not be permissible to deliver or submit a copy of the minutes of the hearing of the testimony to the judiciary unless the trial court deems it permissible upon examining the merits of the case to establish the fact by the testimony of witnesses. The litigant may object to the admission of such evidence before it, and he may also request to hear defence witnesses in his favour.

Article 84

A witness may not be harmed, and the court or the supervising judge, as the case may be, shall prevent any attempt to intimidate or influence him when giving testimony.

Article 85

The court or the supervising judge, as the case may be, shall, at the request of the witness, estimate his transportation costs and the consideration for interrupting his activity. The court shall, when necessary, determine the amount due for the witness' expenses and the litigant

assigned to deposit the amount. The losing litigant shall incur these expenses, unless the loss is proportional, in which case each of the litigants shall incur the amount in proportion to his loss. The court shall show that in the judgment issued on the merits of the case.

Title 6 - Circumstantial Evidence and Force of Res Judicata

Article 83

1- The presumptions provided for in the law shall relieve the party in whose favour they are decided of any other means of proof. These presumptions may, however, be refuted by any other means, unless there is a provision to the contrary.

2- The court may deduce other evidentiary presumptions, in the cases where evidence by testimony is admissible, provided that it indicates the grounds of evidence thereof.

3- The court may resort to scientific means in deducing the presumptions.

Article 87

Subject to the provisions of the Civil Procedure Law, the judgments and judicial decisions terminating the litigation and the payment orders that have acquired the force of res judicata shall constitute evidence as to the matters they have adjudicated in the litigation. Evidence that rebuts this force shall be inadmissible, and such judgments or judicial decisions terminating the litigation or the payment orders shall not have this force except in a dispute that arose between the litigants themselves without changing their capacity, and in relation to the right itself in terms of subject and cause, and the court shall rule this force sua sponte.

Article 88

The court shall only be bound by the penal judgment related to the case brought before it as to the facts adjudicated in that judgment where such adjudication was necessary. The court shall, however, not be bound by the judgment acquitting the accused unless it is based on denying the imputation of the fact to him.

Title 7 - Evidence by Custom

Article 89

Evidence by custom and usage established between the litigants shall be admissible regarding what is not specifically provided for or what is not agreed upon between the parties and in matters that are not contrary to public order.

Article 90

1- Whoever invokes custom and usage established between the litigants shall prove their existence at the time of the incident.

2- Any of the litigants may challenge the establishment of custom and usage between the litigants, and may also object thereto by using stronger evidence.

Article 91

Usage established between the litigants and special custom shall take precedence over general custom when in conflict.

Article 92

The court may, when necessary, assign an expert to verify the establishment of custom and usage between the litigants, in accordance with the provisions of Title 10 of this Law.

Title 8 - Evidence by Oath

Article 93

1- The conclusive oath shall refer to the oath taken by the litigant to refute his opponent's claim, and it may be tendered back to his opponent, in accordance with the provisions of this Title.

2- The suppletory oath shall refer to the oath taken by the litigant to complete the evidence, and it may not be tendered back to the other litigant in accordance with the provisions of this Title.

Article 94

1- Each of the litigants may, at any stage of the proceedings, tender the conclusive oath to the other litigant provided that the fact to which the oath pertains is related to the person to whom the oath is tendered, even if it is not personal to him and pertains to his mere knowledge thereof. The judge may, however, prevent the tendering of the oath if the litigant is tendering it arbitrarily.

2- The person to whom the conclusive oath is tendered may tender it back to his opponent. The oath may not, however, be tendered back when it pertains to a fact that is not common to the litigants but concerns only the person to whom the oath is tendered.

3- The person tendering or tendering back the conclusive oath may not retract once his opponent has accepted to take the oath.

Article 95

1- The oath-taker shall be required to have the capacity to dispose of what constitutes the object of the oath.

2- The oath may not be taken by proxy. The oath may be tendered, accepted, refused and tendered back by proxy under a special power of attorney.

Article 96

1- The oath-taker shall say: “I swear by God Almighty to tell the truth and nothing but the truth”. The oath shall, upon his request, be according to the conditions prescribed by his religion or belief.

2- The text of the oath shall be that approved by the court.

Article 97

1- The oath may not be tendered as regards a fact contrary to public order.

2- The court shall prevent the tendering of the oath if it is not relevant or material to the case or it is inadmissible, and the court may prevent the tendering of the oath it if the litigant is doing so arbitrarily.

Article 98

1- In case the plaintiff is unable to provide evidence and requests his opponent to take the oath, he shall be put to oath. If he refuses, it shall be tendered back to the plaintiff at the request of the defendant. If the plaintiff refuses to take the oath tendered back to him, his case shall be dismissed.

2- The oath shall not be tendered back as to what the defendant is the only one to have knowledge of, and he shall be ruled to have refused to take the oath.

3- The plaintiff may request his opponent to take the oath, unless the case is adjudicated by a final ruling.

4- The person who tenders or tenders back the oath may not retract once his opponent has accepted to take the oath.

Article 99

The litigant may not prove that the oath is false after it has been taken by the litigant to whom it was tendered or tendered back, provided that if the oath is proven to be false by a penal judgment, the litigant who was prejudiced by it may claim compensation, without prejudice to his right to challenge the judgment issued against him on account of the false oath.

Article 100

The guardian, the trustee, the endowment administrator and the like may tender, refuse and tender back the oath as regards what they may dispose of, and they shall be tendered the conclusive oath as regards what they have undertaken to dispose of.

Article 101

The person tendering the oath to his opponent shall accurately indicate the facts which he wishes him to swear upon, and shall clearly indicate the text of the oath. The court may amend the text so that it is aimed clearly and accurately at the fact with regard to which the oath is requested.

Article 102

The oath shall be taken in front of the person requesting it, unless he waives attendance or fails to appear despite his knowledge of the date of the hearing.

Article 103

1- A person who is summoned to court to take the oath shall be required to appear.

2- If the person to whom the oath is tendered appears in person and does not contest its admissibility or its relevance to the case, he shall take the oath forthwith or shall tender it back to his opponent otherwise he shall be deemed to have refused to take the oath. If he fails to appear for no excuse, he shall be deemed to have refused to take the oath.

3- If the person to whom the oath is tendered appears and contests its admissibility or its relevance to the case, he shall show that. If the court is not satisfied to that effect, he shall be required to take the oath otherwise he shall be deemed to have refused to do so.

Article 104

1- The oath shall be multiplied by the number of those eligible to take it, unless they are partners in the right or are satisfied with one oath.

2- The oath shall be multiplied by the number of persons to whom it is tendered.

3- The court may be satisfied with one oath if there are multiple requests combined.

Article 105

1- The judge may, at any stage of the proceedings, sua sponte tender the suppletory oath to either of the litigants to base thereupon his judgment or decision on the merits of the case or on the value of the adjudicated matter. To direct the suppletory oath, there shall be no complete evidence in the case and the case shall not be void of evidence.

2- The litigant to whom the suppletory oath is tendered may not tender it back to the other litigant.

Article 106

The guardian, the trustee, the endowment administrator and the like shall take the suppletory oath regarding what they have undertaken to dispose of.

Title 9 - Inspection

Article 107

1- The court or the supervising judge, as the case may be, may, sua sponte or at the request of one of the litigants, decide to inspect the object of the dispute, and shall specify in the inspection decision the date, place and method of the inspection. The court may delegate one of its judges to do so or may assign an expert to move for inspection. The litigants who are absent shall be notified of the decision at least (24) twenty-four hours prior to the scheduled date, and a report shall be prepared showing all the work relating to the inspection.

2- The court or the supervising judge, as the case may be, may assign an expert for assistance in the inspection, and may hear the witnesses it deems necessary to hear. These witnesses shall be summoned by a request, even oral, from the clerk.

Article 108

1- Whoever fears the loss of the outlines of a case that are likely to become the object of a dispute before the judiciary may request inspection thereof and establishment of the fact. The request shall be submitted in a summary case to the competent court pursuant to the relevant procedures. The provisions of Article (107) of this Law shall be observed in the inspection and the establishment of the fact.

2- If a summary case is filed, the court may assign an expert to move, inspect and hear whomever he deems necessary to hear. The court shall schedule a hearing to obtain the litigants' observations on the expert's report and work. The rules provided for under Title 10 of this Law shall be followed.

Title 10 - Expertise

Article 109

1- The court or the supervising judge, as the case may be, may, sua sponte or at the request of one of the litigants, decide to assign one or more experts from among the civil servants or from among the experts or may assign a local or an international expertise house registered in the Roll of Experts, pursuant to the laws in force in this regard, to express their opinion on technical matters required for adjudicating the case.

2- In selecting an expert, the suitability of his technical knowledge and expertise with the subject- matter of the dispute shall be taken into account.3- If the litigants agree to select one or more experts, the court shall approve their agreement.

Article 110

If the expert is not registered in the Roll of Experts, he shall take an oath before the authority that assigned him, be it the court or the supervising judge, as the case may be, to perform his duty truthfully and honestly, otherwise the work shall be void. The litigants shall not be required to be present when the expert takes the oath. Minutes of the oath shall be drawn up and they shall be signed by the judge and deposited in the case file.

Article 111

The enacting terms of the decision assigning the expert shall include an accurate statement of his task and powers, the date set for depositing the report, the hearing scheduled for examining it whether or not it is deposited and the urgent measures he is authorised to take.

Article 112

1- The court shall, when necessary, determine the amount due for the expertise, and the litigant assigned to deposit the amount, and it shall set a deadline to that effect.

2- If the assigned litigant fails to deposit the amount due for the expertise by the deadline, the other litigant may deposit the amount without prejudice to his right to have recourse against his opponent.

3- If neither of the litigants deposits the amount, the court may decide to stay the proceedings until the amount is deposited and for an non-extendable period not exceeding one month, whenever the adjudication of the case is dependent on the expert's decision, or it may decide to forfeit the litigant's right to uphold the assignment decision if it finds that the excuses he has presented are unacceptable.

Article 113

Before commencing the task, the expert shall disclose any relationship he has with the parties to the case or any interest he has therein failing which, the court shall rule his dismissal and the refund of the amounts he has received and the ruling shall be final and may not be challenged, without prejudice to the disciplinary sanctions and the right of the concerned parties to claim compensation from him.

Article 114

1- Any of the litigants may request the recusal of the expert if there is reason to believe that he cannot perform his task impartially, particularly if he is a relative or an in-law of one of the litigants up to the fourth degree, the agent of one of them in his personal affairs, the guardian or trustee of one of them, an endowment administrator or the like, or if he works for one of the litigants or is in litigation with one of them, unless such litigation was brought after the appointment of the expert with intent to recuse him.

2- The recusal request shall not be accepted from the person on whose choice the expert was assigned, unless the reason for recusal has appeared after his assignment. In any case, the recusal request shall not be accepted after the closing the pleadings.

3- The expert shall be notified of the recusal request submitted against him, and he shall be granted a time limit not exceeding (2) two working days to reply to the request.

4- The court or the supervising judge, as the case may be, shall decide on the recusal request within (3) three working days from the date of submission of the expert's reply or from the lapse of the time limit prescribed for its submission, and the judgment issued on the request shall be final and may not be challenged.

Article 115

The expert shall take the following actions in the performance of his task:

- 1- Hear the statements and remarks of the litigants, and whomever he deems necessary to hear their statements if the assignment decision authorises him to do so.
- 2- Request the litigants or others to hand over to him or to allow him access to the books, records, documents, papers or objects that he deems necessary to complete his task.
- 3- Inspect the facilities, locations and objects that require inspection to complete his task.

Article 116

1- No person may refuse without legal justification to enable the expert to perform his task in accordance with the provisions of Article (115) of this Law. In this case, the expert shall refer the matter to the court which may decide what it sees fit. This shall include requiring the refusing party to enable the expert to perform his task and resorting to coercive force when need be.

2- The expert shall report to the court or the supervising judge, as the case may be, if he faces an obstacle in his work that prevents him from pursuing his task or if the matter requires expanding the scope of his task, and the court shall decide what it deems fit.

Article 117

1- The expert shall prepare a report on his work, which shall include the following:

- a- A statement of his assigned task under the assignment decision.
- b- The work he has accomplished in detail, the statements of the litigants and others, the documents and evidence they have presented and the technical analysis thereof.
- c- The opinions of the experts to whom he has resorted.
- d- The outcome of his work and his technical opinion, and the grounds on which he has relied accurately and clearly.

2- If there is more than one expert, they shall prepare a single report. In case they have differing opinions, they shall mention in the report the opinion of each one of them and the reasons therefor.

Article 118

1- If the expert does not commence his task without an acceptable excuse, if he fails to perform it or if he is unjustifiably late in depositing the report on schedule, a warning shall be addressed to him no later than (5) five working days therefrom. If he does not reply within the aforementioned period, the court shall decide to disqualify him and shall order the refund of the amounts he has received, without prejudice to the disciplinary sanctions and to the right of the concerned parties to claim compensation from him.

2- The decision disqualifying the expert and requiring him to return what he has received shall be final and may not be challenged.

3- If the court or the supervising judge, as the case may be, finds that the delay has resulted from an error on the part of one of the litigants, it shall sentence him to a fine of not less than (3,000) three thousand dirhams and not more than (10,000) ten thousand dirhams, and may decide to forfeit his right to uphold the expert assignment decision.

Article 119

1- The expert shall deposit his report in paper or electronic form with the case management office. The report shall be signed by him and shall include the data referred to in Article (116) of this Law.

2- Prior to depositing his final report, the expert shall deliver the litigants a copy of the initial report and shall set a time limit of at least (3) three working days to receive the litigants' comments and observations on his initial report. He shall reply thereto within (5) five working days and shall submit his final report to the court or the supervising judge pursuant to the controls set forth in Clause (1) of this Article and send a copy of the final report to the litigants within (3) three working days following its deposit.

3- The parties may not submit new objections to the expert report after the expert deposits it with the court, unless those objections are new and based on evidence that could not appear until after the expert report has been deposited with the court.

Article 120

If the task of the expert is completed, he shall return the papers, documents or others which he has received within (10) ten days from the date of completing the task. If he refuses to do so without an acceptable excuse, the court shall order him to hand over what he has received and shall fine him not more than (10,000) ten thousand dirhams, and its ruling shall be final and may not be challenged.

Article 121

The court or the supervising judge, as the case may be, may, sua sponte or at the request of one of the litigants, and at any stage of the proceedings, take the following actions:

- 1- Summon the expert to a hearing it schedules to discuss his report orally or in writing, and address to him any questions it deems appropriate.
- 2- Allow the litigants to question the expert.
- 3- Order the expert to complete the shortcomings in his work and to correct any deficiencies or errors it has found therein. It may also assign one or more experts to join the previously assigned expert.
- 4- Assign one or more other experts to complete the shortcomings in the work of the previous expert, correct any deficiencies or errors found therein or re-examine the task. Whoever is assigned by the court may use the information of the previous expert.

Article 122

1- The litigants may, even before filing the lawsuit, agree to accept the outcome of the expert report, and the court shall apply their agreement, unless the content of the report is contrary to public order.

2- Without prejudice to the provision of Clause (1) of this Article, the court shall not be bound by the opinion of the expert. If the court disregards all or part of his opinion, it shall indicate the grounds therefor in its ruling.

3- If the court disregards all or part of the expert report due to negligence or error on the part of the expert, it may order him to return all or part of what he has received, as the case may be, without prejudice to the disciplinary sanctions and to the right of the concerned parties to claim compensation from him.

Article 123

The litigant who has lost the claim subject of the expertise shall incur the amount due for the expertise, unless the loss is proportional, in which case each of the litigants shall incur the amount in proportion to his loss, and the court shall indicate that in the judgment issued on the merits of the case.

Article 124

1- Notwithstanding the procedures regulating expertise, the court or the supervising judge, as the case may be, may, by virtue of a decision recorded in the minutes of the hearing, assign an expert to express his opinion orally on a simple technical issue that does not require lengthy or complex work, and the court may decide to submit the opinion in writing.

2- The court or the supervising judge, as the case may be, shall set in the decision the date of the hearing at which the expert shall present his opinion orally, or the deadline for submitting the written opinion.

Article 125

The court may rely on an expert report submitted in another case in lieu of resorting to an expert in the case, without prejudice to the right of the litigants to discuss what is stated in that report.